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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PORTSIDE GROWTH AND OPPORTUNITY
FUND,

Plaintiff,

Case No. 07 CIV 6990 (NRB)

-against-

STIPULATION

GIGABEAM CORPORATION,

Defendant.

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the Plaintiff and Defendant that the time for the Defendant Gigabeam Corporation to answer or otherwise move with the respect to the Complaint is hereby extended up to and including September 7, 2007; and

IT IS FURTHER STIPULATED AND AGREED, that Defendant agrees to waive any defense it may have otherwise had regarding the sufficiency of service of process; and

IT IS FURTHER STIPULATED AND AGREED, that this Stipulation may be signed in counterparts and signatures by facsimile shall be good and sufficient so as to constitute original signatures.

Dated: New York, New York
August 29, 2007

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SO ORDERED:

U.S.D.J.

9/4/07